IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 248 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE H.H.MEHTA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

MAHARSHI AGRICULTURAL RESEARCHINSTITUTE

Versus

VIVEKANAND EDUCATION FOUNDATION THRO' TRUSTEES

Appearance:

MR SR PATEL for MR AJ PATEL for Appellant

MR SURESH M SHAH for Respondent

CORAM : MR.JUSTICE H.H.MEHTA

Date of decision: 31/01/2002

ORAL JUDGEMENT

1. Heard Mr.S.R.Patel, learned advocate for and on behalf of Mr.A.J.Patel, learned advocate for the appellant and Mr.S.M.Shah, learned advocate for the respondent.

2. Learned advocates for both the parties jointly submit that this appeal be disposed of by giving suitable directions to the learned Judge of the trial Court as well as both the parties, without assigning reasons for such orders.

3. I have heard learned advocates for both the parties. I have taken into consideration the documents produced by parties. This Court is of the view that without expressing any opinion on the point of merits or demerits of the case, this appeal is required to be disposed of by giving suitable directions to the learned Judge of the trial Court as well as the parties. Accordingly, this appeal is disposed of by giving following directions.

[i] The learned Judge of the trial Court is directed to decide and dispose of Special Civil Suit No.199 of 1997, which is pending on the file of learned 3rd Joint Civil Judge (S.D.), Mehsana, Camp at Kalol, as expeditiously as possible preferably within one and half years from the date on which the suit becomes ready in all respects, for recording evidence, if any, of both the parties.

[ii] Both the parties are directed to extend fullest co-operation to the learned Judge of the trial Court, so as to enable him to dispose of the suit within a given time.

[iii] Meanwhile, the statement made by Mr.S.M.Shah, which is contained in para-4 of the order dated 9/7/1999 passed by this Court (Coram : A.M.Kapadia,J.) in Civil Application No.4151 of 1999, shall remain effective and operative till the final disposal of the suit. Copy of the said order passed on 9/7/1999 in Civil Application No.4151 of 1999 be sent with writ of this order, to the trial Court.

[iv] The learned Judge of the trial Court is directed to dispose of the suit without being influenced by the order passed below Exh.5.

4. In view of the aforesaid directions given by this Court, at the instance of both the parties, this appeal stands disposed of accordingly. No order as to costs.

(H.H.Mehta,J.)

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